

LS 6-0731a

OGC Has Reviewed

18 April 1956

MEMORANDUM FOR: Deputy Director (Support)

25X1A9a SUBJECT : [REDACTED] --Dependents' Travel Expenses

25X1A8a 1. A memorandum from the Chief, [REDACTED], dated 8 March 1956,
recommends reimbursement of round-trip travel expenses of subject's
25X1C4c wife and two children between [REDACTED] and the United States. The travel of his dependents was occasioned by the
25X1A9a serious illness and subsequent death of his wife's mother.
[REDACTED] is [REDACTED] and although efforts were made to
obtain approval from the [REDACTED] for advance travel, 25X1C4d
such travel was not approved, "due to fiscal regulations."

2. The circumstances of this case bring it within the
ruling of General Counsel's Opinion No. 53-9, dated 7 May 1953;
"The Agency may not use its extraordinary authorities for the
disbursement of funds to reimburse an employee for the expenses
incident to a round-trip from an overseas station to the United
States taken because of a death in the employee's family."
That Opinion was directed to an employee. The rule cannot be
more liberal for an employee's dependents. Nowhere in the
statutory authority of CIA nor in the regulations can authority
be found for "compassionate leave".

25X1A9a 3. Paragraph 2b of the memorandum requesting approval of
25X1C4d these expenses indicates that "due to fiscal regulations" Mrs.
[REDACTED] particular situation did not justify approval of advance
travel by the [REDACTED]. Foreign Service Travel Regula-
tions authorize advance travel of dependents of employees when
it has been administratively determined that it is in the best
interest of the Service. The regulations set up certain criteria
which are considered to justify the advance return of dependents.
One of these criteria is death or critical illness in the immediate
family of the employee or his spouse. Under the circumstances,
it is apparent that subject's case fulfills the requirements of
Foreign Service regulations and that the only reason advance return
of his dependents was not approved was a lack of funds. This
Agency has similar authority to return dependents in advance of
employees and under the circumstances of this case could have
authorized such return. Inasmuch as subject is a [REDACTED] 25X1C4d

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of this Agency to reimburse [REDACTED] at this time for the return of his dependants to the United States. Such reimbursement would be conditional upon [REDACTED] subsequently becoming eligible for return to the United States himself. At such time as he accrued eligibility for return travel and actually returned, his right to the funds advanced to him would become vested.

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4. [REDACTED] division informs us that his dependants have already returned to his post. Under these circumstances reimbursement for advance travel would not be appropriate. Such reimbursement is not designed to aid in temporary return of dependants. To allow it now would only result in delaying the impact on [REDACTED] of the cost of his family's return since he would then be obliged to bear that cost on their return at the end of his tour.

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[REDACTED]
Office of General Counsel

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